



SOUTH BURNETT

REGIONAL COUNCIL

MINUTES

**Ordinary Council Meeting
Wednesday, 25 October 2023**

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**MINUTES OF SOUTH BURNETT REGIONAL COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE WARREN TRUSS CHAMBER, 45 GLENDON STREET, KINGAROY
ON WEDNESDAY, 25 OCTOBER 2023 AT 9:00AM**

PRESENT: Councillors:

Cr Gavin Jones (Acting Mayor), Cr Jane Erkens, Cr Danita Potter, Cr Kirstie Schumacher, Cr Kathy Duff, Cr Scott Henschen

Council Officers:

Mark Pitt (Chief Executive Officer), Susan Jarvis (General Manager Finance & Corporate), Kevin Searle (Acting General Manager Infrastructure), Darryl Brooks (General Manager Liveability), Tiarna Hurt (Executive Assistant), Kerri Andersen (Manager Finance & Sustainability), Louise Reidy (Strategic Procurement Coordinator), Cathy Jackson (Lease Officer), Paul Turner (Land Investigation Officer).

1 OPENING

Acting Mayor Jones opened the meeting and welcomed attendees.

2 LEAVE OF ABSENCE / APOLOGIES

Acting Mayor Jones noted Mayor Otto's leave of absence.

3 PRAYERS

Nil

4 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Cr Duff acknowledged the traditional custodians of the land on which the meeting took place.

5 DECLARATION OF INTEREST

I, Cr Kirstie Schumacher inform this meeting I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 15.2 South Burnett Aquatic Centre – Increase to Electricity Costs.**

This declarable conflict of interest arises because my sister in-law and business partner works for South Burnett Aquatics.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

I, Cr Kirstie Schumacher inform this meeting I have a declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 15.4 Kingaroy WJ Lang Memorial Swimming Pool – Increase to Electricity Costs.**

This declarable conflict of interest arises because my sister in-law and business partner works for South Burnett Aquatics.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

I, Cr Kirstie Schumacher inform this meeting I may have a perceived declarable conflict of interest (as defined in section 150EN of the Local Government Act 2009) in agenda **Item 20.2 Future Use of Adermann Park – Lot 488 on Crown Plan FY2753**.

This declarable conflict of interest may arise as I am a parent of a current student of the school.

This matter was resolved as per section 150EO(1)(b)(iv) of the Act, namely:-

150EO Interests that are not declarable conflicts of interest

- (1) A councillor who has a conflict of interest in a matter does not have a declarable conflict of interest in the matter if—
- (a) the conflict of interest is a prescribed conflict of interest in the matter; or
 - (b) the conflict of interest arises solely because—
 - (i) the councillor undertakes an engagement in the capacity of councillor for a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or
 - (ii) the councillor, or a related party of the councillor, is a member or patron of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or
 - (iii) the councillor, or a related party of the councillor, is a member of a political party; or
 - (iv) the councillor, or a related party of the councillor, has an interest in an educational facility or provider of a child care service as a student or former student, or a parent or grandparent of a student, of the facility or service;

6 DEPUTATIONS/PETITIONS

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 MINUTES OF THE COUNCIL MEETING HELD ON 27 SEPTEMBER 2023

RESOLUTION 2023/104

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Minutes of the Council Meeting held on 27 September 2023 be received and the recommendations therein be adopted.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

**7.2 MINUTES OF THE CORPORATE RISK & AUDIT ADVISORY COMMITTEE MEETING
HELD ON 14 SEPTEMBER 2023**

RESOLUTION 2023/105

Moved: Cr Danita Potter
Seconded: Cr Jane Erkens

That the Minutes of the Corporate Risk & Audit Advisory Committee Meeting held on 14 September 2023 be received.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

**7.3 MINUTES OF THE CORPORATE RISK & AUDIT ADVISORY COMMITTEE MEETING
HELD ON 5 OCTOBER 2023**

RESOLUTION 2023/106

Moved: Cr Scott Henschen
Seconded: Cr Jane Erkens

That the Minutes of the Corporate Risk & Audit Advisory Committee Meeting held on 5 October 2023 be received.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION - SOUTH BURNETT DROUGHT SUPPORT COMMITTEE

RESOLUTION 2023/107

Moved: Cr Kathy Duff

Seconded: Cr Jane Erkens

That South Burnett Regional Council in partnership with BIEDO form a South Burnett Drought Support Committee to collect and distribute donations for farmers struggling with drought across our region.

Committee Members to be:

- Mistrel Badesso (General Manager BIEDO)
- Alan Broome (BIEDO)
- 2 * Representative from Red Earth
- Cr Kathy Duff (Portfolio Rural Resilience & Chair Council Disaster Recovery Committee)
- Cr Scott Henschen (Vice Chair Council Disaster Recovery)

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

8.2 NOTICE OF MOTION - EXTENSION TO QRA FUNDING

RESOLUTION 2023/108

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That Council apply for an extension to the current QRA funding that is being rolled out by BIEDO to the end of March 2024.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

8.3 NOTICE OF MOTION - ROADSIDE GRAZING PERMITS

RESOLUTION 2023/109

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That South Burnett Regional Council waive fees for grazing purposes during current period of financial hardship due to the drought type conditions even though our region has not technically been drought declared and this position be reviewed in April 2024.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

8.3.1 MEDIA TO COMMUNICATE ROADSIDE GRAZING INFORMATION

RESOLVED 2023/110

That Media communicate roadside grazing information.

9 BUSINESS OUTSTANDING

9.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

RESOLUTION 2023/111

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

That the Business Outstanding table for the Ordinary Council Meeting be received for information.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

10 PORTFOLIO - CORPORATE GOVERNANCE & STRATEGY, PEOPLE & CULTURE, COMMUNICATION & MEDIA, FINANCE & SUSTAINABILITY, ICT & BUSINESS SYSTEMS, COMMUNITY REPRESENTATION AND ADVOCACY, 2032 OLYMPICS & PARALYMPICS

10.1 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL PRE LODGEMENT DEVELOPMENT APPLICATION MEETINGS POLICY - STRATEGIC031

RESOLUTION 2023/112

Moved: Cr Kirstie Schumacher

Seconded: Cr Kathy Duff

That the South Burnett Regional Council Pre-Lodgement Development Application Meetings Policy – Strategic031 be adopted as presented.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

10.1.1 OUTLINE COUNCIL'S INTENT IN A PLANNING POLICY

RESOLVED 2023/113

That Council include in an appropriate planning policy, that Council's intent is to assist, support and encourage development.

10.2 ADOPTION OF COUNCIL'S ANNUAL REPORT 2022/2023

RESOLUTION 2023/114

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That Council adopt the South Burnett Regional Council 2022/2023 Annual Report for the period 1 July 2022 to 30 June 2023.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

ADJOURN MORNING TEA

RESOLUTION 2023/115

Moved: Cr Scott Henschen

Seconded: Cr Jane Erkens

That the meeting adjourn for morning tea.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**RESUME MEETING**

RESOLUTION 2023/116

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting resume at 10:50am.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**10.3 KINGAROY DEPOT FUEL BOWSER REPLACEMENTS**

RESOLUTION 2023/117

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Replace the 3 Diesel Browsers at Kingaroy Depot; and
2. The new project to be funded by reallocation of \$50,000 from the 23/24 capital works project Nanango Railway Lane House Reroofing to Kingaroy Depot Bowser replacement.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

10.4 MONTHLY FINANCIAL INFORMATION

RESOLUTION 2023/118

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That the monthly Financial Report including Capital Works and Works for Queensland (W4Q4) as at 30th September 2023 be received and noted.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**ADJOURN MEETING**

RESOLUTION 2023/119

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting break due to technical difficulties.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**RESUME MEETING**

RESOLUTION 2023/120

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the meeting resume at 11:01am.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**Attendance:**

At the resumption of the meeting, Chief Executive Officer Mark Pitt was not present.

At 11:02am, Chief Executive Mark Pitt returned to the meeting.

10.5 1ST QUARTER REVIEW INCLUDING CONTINUED CAPITAL PROJECTS

RESOLUTION 2023/121

Moved: Cr Kathy Duff

Seconded: Cr Danita Potter

1. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2023/2024 operational budget be adopted.
2. That in accordance with Section 170(3) of the *Local Government Regulation 2012* the revised 2023/2024 capital budget including continued projects from 2022/2023 be adopted.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

11 PORTFOLIO - INFRASTRUCTURE PLANNING, WORKS (CONSTRUCTION & MAINTENANCE), WATER & WASTEWATER, PLANT & FLEET**11.1 REQUESTING COUNCIL NAME TWO NEW ROADS AS PART OF SUBDIVISION AT 241 IZZARDS ROAD SOUTH NANANGO**

RESOLUTION 2023/122

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

That South Burnett Regional Council name the two roads part of subdivision at 241 Izzards Road, South Nanango:

- o Road 1 – Cripps Road
- o Road 2 – Cross Road

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

12 PORTFOLIO - COMMUNITY DEVELOPMENT, ARTS & HERITAGE AND LIBRARY SERVICES

12.1 REGIONAL UNIVERSITY STUDY HUBS - 2023 APPLICATION ROUND

RESOLUTION 2023/123

Moved: Cr Danita Potter
 Seconded: Cr Scott Henschen

That South Burnett Regional Council apply to the Regional University Study Hubs – 2023 Application Round.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

13 PORTFOLIO - NATURAL RESOURCE MANAGEMENT, RURAL SERVICES, AGRICULTURAL INNOVATION, COMPLIANCE AND ENVIRONMENTAL HEALTH

Nil

14 PORTFOLIO - DISASTER MANAGEMENT, WASTE AND RECYCLING MANAGEMENT

Nil

15 PORTFOLIO - RURAL RESILIENCE & DISASTER RECOVERY, PARKS & GARDENS, PROPERTY & FACILITY MANAGEMENT, FIRST NATIONS AFFAIRS

15.1 JUBILEE PARK LEGACY ISSUES

RESOLUTION 2023/124

Moved: Cr Danita Potter
 Seconded: Cr Kathy Duff

That South Burnett Regional Council delegate powers to the Chief Executive Officer under *Section 257 of the Local Government Act 2009* to continue to meaningfully engage in correspondence to resolve this legacy issue amicably and should negotiations fail, then to obtain legal advice on, and if deemed appropriate initiate proceedings under *ss. 98 to 108B (Division 5 of Part 6) of the Land Title Act 1994*.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

Attendance:

At 11:20 am, Cr Kirstie Schumacher left the meeting.

MOTION

RESOLUTION 2023/125

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That Item 15.4 be dealt with after Item 15.2 as Cr Schumacher has left the meeting due to her conflicts of interest.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

15.2 SOUTH BURNETT AQUATIC CENTRE - INCREASE TO ELECTRICITY COSTS

RESOLUTION 2023/126

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council:

1. amends Service Management Agreement for Summer Country Aquatics Schedule 3 Clause 1s2q contribution to electricity to a fixed electricity contribution of \$55,998 for FY 2023/24; and
2. the increase in electricity costs be included in the second quarter operational budget review.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0

15.4 KINGAROY WJ LANG MEMORIAL SWIMMING POOL - INCREASE TO ELECTRICITY COSTS

RESOLUTION 2023/127

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. amends Service Management Agreement for Summer Country Aquatics Schedule 2 Clause 1s2q contribution to electricity to be a fixed electricity contribution of \$33,767 for FY 2023/2024 and fixed amount of \$2,812.06 for June 2023; and
2. the increase in electricity costs be included in the second quarter operational budget review.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 5/0**Attendance:**

At 11:22 am, Cr Kirstie Schumacher returned to the meeting.

15.3 APPLICATION FOR FUNDING UNDER THE 2023/2024 QUEENSLAND GOVERNMENT MINOR INFRASTRUCTURE AND INCLUSIVE FACILITIES FUND - BUTTER FACTORY PARK, NANANGO AND MURGON SKATE PARK, MURGON

RESOLUTION 2023/128

Moved: Cr Kathy Duff

Seconded: Cr Jane Erkens

That South Burnett Regional Council endorse the two applications for grant funding under the Minor Infrastructure and Inclusive Facilities Fund to replace inadequate toilet facilities at Butter Factory Park, Nanango with larger accessible amenities and for the construction of a new accessible facility at the Murgon Skate Park.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**Attendance:**

At 11:24am, Land Investigation Officer Paul Turner entered the meeting.

15.5 RENEWAL OF LEASE - SOUTH BURNETT WESTERN PERFORMANCE CLUB INC.

RESOLUTION 2023/129

Moved: Cr Jane Erkens

Seconded: Cr Danita Potter

That South Burnett Regional Council:

1. resolves that the exception in *Local Government Regulation 2012 section 236 (1)(b)(ii)* applies to Council for the disposal by way of grant of a Trustee Lease of the valuable non-current asset, which is Lot B in Lot 174 on Crown Plan FY803924 with South Burnett Western Performance Club Inc for a term of ten (10) years; and
2. delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Trustee Lease between Council and South Burnett Western Performance Club Inc on terms and conditions that Chief Executive Officer considers satisfactory to Council.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

16 PORTFOLIO - TOURISM & VISITOR INFORMATION CENTRES, SPORT & RECREATION AND COMMERCIAL ENTERPRISES

Nil

17 PORTFOLIO - REGIONAL DEVELOPMENT, DEVELOPMENT SERVICES, COMMUNITY & SOCIAL HOUSING

Attendance:

At 11:25am, General Manager Liveability Darryl Brooks left the meeting.

17.1 CHANGE APPLICATION (MINOR CHANGE) UNDER SECTION 81 AND 86 OF THE PLANNING ACT 2016 - RECONFIGURING A LOT (BOUNDARY REALIGNMENT) AT BUNYA HIGHWAY & BORCHERTS HILL ROAD, MURGON (AND DESCRIBED AS LOT 40 ON RP160652 & LOT 2 ON RP160737) - APPLICANT L & S MAROSKE C/- ONF SURVEYORS

RESOLUTION 2023/130

Moved: Cr Kathy Duff

Seconded: Cr Scott Henschen

The change request pursuant to s81 and s86 under the *Planning Act 2016* be approved subject to the following changes as outlined below. Amended conditions shown in bold and deleted conditions shown in strikethrough.

DEVELOPMENT PERIOD - RAL

GEN2. The currency period for this development approval for reconfiguring a lot is **24 months** ~~twelve (12)~~ months after the development approval starts to have effect. **The currency period now ends on 21 December 2024.** The development approval will lapse unless the survey plan for all works and stages required to be given to Council for approval is provided within this period.

TELECOMMUNICATION AND ELECTRICITY

ENG6. ~~Provide electricity supply to all lots within the development to comply with Ergon Energy's requirements.~~

~~Submit to Council, written confirmation from an electricity provider that an agreement has been made for the supply of electricity.~~

Proposed Lot 114 is to be serviced as follows:-

Alternative Power Condition Part A

- a. **Enter into an agreement to provide reticulated electricity and provide evidence of the agreement from the applicable retailer; or**
- b. **Where upon evidence of written agreement from the retailer, provide detailed specifications of an alternative power source considering at least the following:**
 - i. **Collection assembly and construction/mounting method;**
 - ii. **Method of power storage;**
 - iii. **Necessity for backup in the event of failure of sub-optimal alternative power generation.**
- c. **Submit confirmation from a suitably qualified professional that the alternative power source is at all times reasonably capable of meeting demand/consumption intended for the site and in accordance with the classification of the particular building sought (building classification to be taken as that in effect at the time for any new structure or event triggering the need for upgrade to existing work).**

Alternative Power Condition Part B

- d. **Submit a statutory declaration confirming;**
 - i. **The landowner agrees to assume full responsibility for provision of a suitable power source to the site in accordance with SBRC Planning Scheme Policy.**

Alternative Power Condition Part C

- e. **Notify future owners that responsibility to provide a suitable power source to the site must be assumed upon receipt of property deeds.**

Timing: Prior to the endorsement of the survey plan.

The remaining conditions under RAL22/0031 are applicable.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

17.2 OTHER CHANGE TO AN EXISTING DEVELOPMENT APPROVAL (MCU22/0022 - DATED 19 APRIL 2023) MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AT 17 FORK HILL DRIVE, MOFFATDALE (AND DESCRIBED AS LOT 22 ON SP221464). APPLICANT: LUSSO RETREATS PTY LTD C/- ONF SURVEYORS

RESOLUTION 2023/131

Moved: Cr Kirstie Schumacher

Seconded: Cr Jane Erkens

The Other Change request for Short-term accommodation is approved subject to the following conditions:

GENERAL

GEN1. Maintain access at all times as shown on the approved plan as amended in red:

Drawing Title	Prepared By	Ref. No.	Rev.	Date
Cover Sheet	McLaren Design	00	Revision J	02/11/21
Site Plan	McLaren Design	03	Revision J	02/11/21
Proposed Floor Plan	McLaren Design	04	Revision J	02/11/21
Elevations	McLaren Design	05	Revision J	02/11/21
Elevations	McLaren Design	06	Revision J	02/11/21
Cover Sheet	McLaren Design	00	Revision F	28/06/22
Proposed Floor Plan	McLaren Design	04	Revision F	28/06/22
Elevations	McLaren Design	05	Revision F	28/06/22

GEN2. The currency period for this development approval for a Material change of use is six (6) years after the development approval starts to have affect. The development approval will lapse unless otherwise agreed.

PLANNING – MCU

PLAN1. At all times, Short-term accommodation must be maintained in conjunction with a permanent and reasonable residential use.

Guideline: this condition is imposed to ensure that use of the premises is consistent with expectation that a Rural residential zone retain a predominant residential use (within the zone/locality).

- (a) The short-term accommodation use can occur in one or more of the structures identified on the approved plans however, capacity for the permanent reasonable residential accommodation must be maintained at all times.

Guideline: this condition is imposed to ensure a residential use of the premises is maintained at all times, and short-term accommodation is a secondary and subordinate use of the premises in the Rural residential zone. Any greater use of the site by commercial short term accommodation activities will require alternate building standards and certifications, and demonstration of fire safety and accessibility standards for a commercial premises and not a residential dwelling will apply.

- (b) The Short-term accommodation is to operate in accordance with the following definition at all times:

The Planning Regulations 2017 (Schedule 24) define 'Short-term accommodation' to mean: "(i) providing accommodation of less than 3 consecutive months to tourists or travellers; or (ii) a manager's residence, office or recreation facilities for the exclusive use of guests, if the use is ancillary to the use in subparagraph (i)."

PLAN2. Prior to commencement of use, approved structures must be connected to power with certification provided by a licensed installer, and that the on-site sewerage system can serve the maximum number of persons on site and is in accordance with conditions PLAN3 and PLAN4.

PLAN3. Prior to commencement of use, submit for Council approval, a revised plan of layout demonstrating:

- (a) That the on-site wastewater system is located outside of the Covenant Area on site; and
 (b) The location of 'existing', and approved buildings (including those approved at MCU22/0022), decks, driveway, on-site parking spaces, effluent disposal and dispersal areas.

PLAN4. Prior to commencement of use, and within 3 months of this development permit approval date, provide, for Council records, a Statutory Declaration signed by the owner and operator of the short-term accommodation stating that the premises will not be operated or used as a 'Party House' defined as follows:

Premises used to provide, for a fee, accommodation, or facilities for guests where:

- a) *Guests regularly use all or part of the premises for parties (bucks parties, hens parties, raves, or wedding receptions, for example); and*
 b) ~~*The accommodation or facilities are provided for a period of less than 10 days; and*~~
 c) *The owner of the premises does not occupy the premises during that period.*

PLAN5. Outdoor lighting must be provided for guests, but not cause a nuisance for a neighbouring dwelling.

PLAN6. Prior to commencement of use, provide and maintain a waste bin storage area for the Short-term accommodation that is screened from the view of neighbouring dwellings.

PLAN7. Prior to commencement of use, submit evidence to Council to record the installation of a professionally made weather-proof sign erected on the property street frontage, that is clearly legible, must be maintained with:

-
- a) Approximate 0.3 square meter face area;
 - b) Displays the name of the property manager including their all-hours phone number; and
 - c) The name of the short-term accommodation business.

PLAN8. Maintain records demonstrating that bookings and short stays occur within one or more of the approved structures, whilst always retaining capacity for a permanent residential use. Records must be made available to Council immediately upon request.

PLAN9. Provide 4 car parking spaces in accordance with the following:

- a) 3 parking spaces allocated for short-term accommodation.
- b) 1 parking space allocated for residential accommodation.

PLAN10. Non-residential cars associated with short-term accommodation is strictly limited to no more than 3 at all times.

Guideline: this condition is imposed to ensure nonlocal traffic associated with the short-term accommodation development does not detract from other community member's reasonable expectation to enjoy a high level of residential amenity (as specified for the zone).

PLAN11. At all times the following is to be maintained with respect to noise:

- a) Use of outdoor areas such as decks, patios, gazebos, yard and alike associated with the Short-term accommodation use, shall not be used between the hours of 10pm and 6am 7 days a week.
- b) Guest arrivals and departures shall not occur between the hours of 10pm and 6am.
- c) Where separate waste contracting services are required, onsite servicing must only occur between the hours of 8am and 6pm Monday to Friday.

PLAN12. There is to be no amplified music associated with the Short-term accommodation use at all times.

PLAN13. Prepare a document notifying all short-term accommodation guests of the noise limitations imposed in association with use of the short-term accommodation:

- a) Provide documentation outlining Terms and Conditions regarding the above noise limitations prior to acceptance of guest bookings.

WASTE SERVICING

PLAN14. Submit to Council an onsite waste management plan prepared by a suitably qualified professional accounting for the following:

- Waste streams resulting from the Short-term accommodation use.
- Waste streams resulting from permanent residential use.
- Frequency of waste removal required.
- Bin location and washdown facilities.
- Refuse collection vehicle type and bin type.

PLAN15. Install a bin corral of suitable dimension to accommodate required bins. The bin corral is not to be located within 10m of a common boundary to land zoned as rural residential.

- a) Submit to Council evidence that a bin corral (in the specified location) is installed prior to the commencement of the use (Short-term accommodation).

LANDSCAPING

PLAN16. The site is to be landscaped along the property frontage and driveway (excluding vehicle manoeuvring areas), prior to the use commencing. A detailed landscape plan prepared by suitably qualified person should incorporate defined gardens with three tier planting comprising of ground covers, shrubs (understorey), and trees (canopy) and provided with a drip irrigation system mulching.

Guidance on plant selection is provided in Branching Out – Your Handy Guide to tree Planting in the South Burnett.

ENGINEERING WORKS

- ENG1. Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to commencement of the use unless stated otherwise.
- ENG2. Undertake Engineering designs and construction in accordance with the Planning Scheme, Council's standards, relevant design guides, and Australian Standards.
- ENG3. Be responsible for the full cost of any alterations necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.

LOCATION, PROTECTION AND REPAIR OF DAMAGE TO COUNCIL AND PUBLIC UTILITY SERVICES INFRASTRUCTURE AND ASSETS

- ENG4. Be responsible for the location and protection of any Council and public utility services infrastructure and assets that may be impacted on during construction of the development.
- ENG5. Repair all damages incurred to Council and public utility services infrastructure and assets, as a result of the proposed development immediately should hazards exist for public health and safety or vehicular safety. Otherwise, repair all damages immediately upon completion of works associated with the development.

STORMWATER MANAGEMENT

- ENG6. Provide overland flow paths that do not adversely alter the characteristics of existing overland flows on other properties or that create an increase in flood damage on other properties.
- ENG7. Ensure that adjoining properties and roadways are protected from ponding or nuisance from stormwater as a result of any site works undertaken as part of the proposed development.

WATER SUPPLY

- ENG8. Provide a 45kl water tank for the main dwelling for consumption purposes and an additional 22.5kl water storage located no more than 10m from the main dwelling for firefighting purposes. Also provide a suitable supply of water for the additional Short-term accommodation uses.

ON-SITE WASTEWATER DISPOSAL

- ENG9. Connect the development to an on-site wastewater disposal system, and upgrade where necessary, in accordance with the AS1547:2012 *On-site domestic wastewater management* and the Queensland Plumbing and Wastewater Code - 2019.
- ENG10. Obtain a Development Permit for Plumbing Works for the on-site sewerage treatment system (if necessary).

PARKING

- ENG11. Design and construct all driveway and parking areas to provide a dust suppressive gravel.
- ENG12. Provide a minimum of 3 car parking spaces for the short-term accommodation and 1 car parking space for the residential dwelling.

VEHICLE ACCESS

- ENG13. Construct a residential crossover between the property boundary and the edge of the Fork Hill Drive pavement, having a minimum width of 4 metres, generally in accordance with Council's Standard Drawing No. 00049. Note that no culvert under the access is required.
- ENG14. Construct any new crossovers such that the edge of the crossover is no closer than 1 metre to any existing or proposed infrastructure, including any stormwater gully pit, manhole, service infrastructure (e.g. power pole, telecommunications pit), road infrastructure (e.g. street sign, street tree, etc).

ELECTRICITY AND TELECOMMUNICATION

- ENG15. Connect the development to electricity and telecommunication services.

EROSION AND SEDIMENT CONTROL - GENERAL

- ENG16. Ensure that all reasonable actions are taken to prevent sediment or sediment laden water from being transported to adjoining properties, roads and/or stormwater drainage systems.
- ENG17. Remove and clean-up sediment or other pollutants in the event that sediment or other pollutants are tracked/released onto adjoining streets or stormwater systems, at no cost to Council.

ADVICE

- ADV1. This development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage." Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultation, or a Cultural Heritage assessment to ascertain the presence of Aboriginal Cultural Heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding. A search can be arranged by visiting <https://www.datsip.qld.gov.au> and filling out the Aboriginal and Torres Strait Islander Cultural Heritage Search Request Form.
- ADV2. Attached for your information is a copy of Chapter 6 of the *Planning Act 2016* in regard to Appeal Rights.
- ADV3. Infrastructure charges are now levied by way of an Infrastructure Charges Notice, issued pursuant to section 119 of the *Planning Act 2016*.
- ADV4. Council is offering a reduction infrastructure charges payable through the development incentive scheme, which is available between 1 December 2020 and 31 December 2023. Eligible development under this scheme is required to be completed by 31 December 2023.
- For further information or an application form please refer to the rules and procedures available on Council's website.
- ADV5. This Material Change of Use development approval does not permit building works or operational works requiring further assessment. It is incumbent upon the applicant to determine which other permits will be required.
- ADV6. The approved development should adopt all necessary recommendations outlined in the Bush Fire Risk Assessment and Bushfire Management Plan (BPAD) dated April 2022.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

Attendance:

At 11:30am, General Manager Liveability Darryl Brooks returned to the meeting.

17.3 SOUTH BURNETT REGIONAL HOUSING ACTION PLAN DRAFT REPORT

RESOLUTION 2023/132

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That South Burnett Regional Council;

- (a) Adopt the draft South Burnett Local Housing Action Plan
- (b) Undertake community consultation with local stakeholder groups, and
- (c) Post community consultation submit final report to a future Council meeting for final adoption.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

Attendance:

At 11:43am, Strategic Procurement Coordinator Louise Reidy entered the meeting.

At 11:44am, Lease Officer Cathy Jackson entered the meeting.

17.4 INFRASTRUCTURE CHARGES & PLANNING INCENTIVES

RESOLUTION 2023/133

Moved: Cr Kirstie Schumacher

Seconded: Cr Danita Potter

That

1. South Burnett Regional Council approve the extension to the Developer Incentive Scheme (DIS) for 2 years to 31 December 2025. The proposed 2-year extension provides a reasonable amount of time for developers to move the through the planning application process, and progress to a stage where a development can be implemented in time to take advantage of the reduction in charges available.

Description	Criteria
Effective Dates	1 January 2024 to 31 December 2025
Applicable Development	All development is eligible if located within the South Burnett Regional Council area
Infrastructure charges discounts	<ul style="list-style-type: none"> ▪ 50% discount for any commercial use or industrial activity; ▪ 50% discount for long-term employment generating development; ▪ 75% discount for Reconfiguring a lot for Residential development;

	<ul style="list-style-type: none"> ▪ 75% discount for Residential development; (excluding in the Rural Residential Zone) ▪ 100% discount for Residential development in the Rural Residential zone; or ▪ 100% discount for Rural or Tourist activity (eg. Short-term accommodation) in the rural zone.
Recommendation and Approval	Manager Environment and Planning recommends reduction in infrastructure charges, for approval by the Chief Executive Officer.
Infrastructure Agreement	Approval for Chief Executive Officer to enter into Infrastructure Agreement with applicant.

2. Approve the release of the forms and guidelines to support and promote the Development Incentive Scheme, as presented:
 - Fact Sheet – Development Incentives;
 - Application form;
 - Appendix A: Rules and procedures; and
 - Appendix B: Definitions
3. Council delegate to the CEO the power, under the *Planning Act 2016* (Qld), to enter into an Infrastructure Agreement between Council and the applicant (developer) and apply the relevant discount per Council policy under the Developer Incentive Scheme.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

17.4.1 QUESTION ON NOTICE - COMPARISON OF INFRASTRUCTURE CHARGES

Question on notice from Cr Duff:

Can a full report be brought back with a comparison of infrastructure fees and charges between other Council's?

17.5 APPLICATION FOR FUNDING UNDER THE SAFE PLACES EMERGENCY ACCOMMODATION INCLUSION ROUND

RESOLUTION 2023/134

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council endorse the application for grant funding under the safe places emergency accommodation program to construct emergency accommodation for women and children experience family and domestic violence (FDV).

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

17.5.1 QUESTION ON NOTICE - APPROVED SUBDIVISIONS IN THE REGION

Question on notice from Cr Erkens:

Can a report on the approved subdivisions within the region be brought back to Council?

MOTION

RESOLUTION 2023/135

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That the late agenda items be dealt with.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

10.6 CONTRACTS ENTERED INTO OVER \$200,000 2023/2024 FINANCIAL YEAR TO DATE

RESOLUTION 2023/136

Moved: Cr Jane Erkens

Seconded: Cr Scott Henschen

That this report be received for information.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

14.1 DRAFT WASTE STRATEGY 2024-2029

RESOLUTION 2023/137

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That South Burnett Regional Council resolves:

1. To adopt the draft Waste Strategy 2024-2029 as a guiding document for improved waste management and resource recovery practices; and
2. Endorse a public consultation process in accordance with the Waste Reduction and Recycling Act 2011 for a minimum period of 28 days; and
3. Prior to adopting the final Waste Strategy 2024-2029 at a future Council meeting.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0**18 QUESTIONS ON NOTICE**

Nil

19 INFORMATION SECTION

Nil

20 CONFIDENTIAL SECTION

RESOLUTION 2023/138

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J of the *Local Government Regulation 2012*:

20.1 Renewal of Lease - SBCare Incorporated

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

20.2 Future use of Adermann Park - Lot 488 on Crown Plan FY2753

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

20.3 Assessment 30204-00000-000 - Payment Plan

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.4 Request to remove assessment 22367-00000-000 from Sale of Land list

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.5 Consideration for Remission on Rates - Assessment 20111-00000-000 & 23970-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.6 Consideration for remission on rates - Assessment 14513-00000-000

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.7 Request for waiver of rates - Kumbia Tennis Association

This matter is considered to be confidential under Section 254J - d of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

20.8 SBRCQ 2223_135 Purchase of PPE Field Uniforms

This matter is considered to be confidential under Section 254J - g of the Local Government Regulation, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

Attendance:

At 12:03pm, Manager Finance & Sustainability Kerri Andersen left the meeting.

At 12:05pm, Manager Finance & Sustainability Kerri Andersen returned to the meeting.

RESOLUTION 2023/139

Moved: Cr Gavin Jones

Seconded: Cr Scott Henschen

That Council moves out of Closed Council into Open Council.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

Attendance:

At 12:50pm, Strategic Procurement Coordinator Louise Reidy left the meeting.

20.1 RENEWAL OF LEASE - SBCARE INCORPORATED

RESOLUTION 2023/140

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That:

1. The South Burnett Regional Council, in accordance with *S236(1)(c)(iii) of the Local Government Regulation 2012*, enter a Lease with SBCare Incorporated for a term of two (2) years with two (2) options to renew for an additional two (2) years for \$2,500 per annum (plus GST) and all outgoings including rates, fees and charges for Part of Lot 6 on SP274891, known as Kingaroy Town Common Hall, 10 Oliver Bond Street, Kingaroy for use by the Kingaroy Senior Citizens Club Inc.
2. South Burnett Regional Council delegates to the Chief Executive Officer the power to negotiate, finalise and execute the Lease between Council and SBCare Incorporated on terms and conditions the Chief Executive Officer reasonably considers satisfactory to Council.
3. South Burnett Regional Council provide a letter of support for SBCare to apply for future grant funding to upgrade the front access to PWD compliant access, purchase new chairs or equipment for the hall and install a shade awning at the front of the building, provided that:
 - (a) SBCare obtains any necessary building, planning or other statutory approvals necessary for the works;
 - (b) SBCare must hold a minimum \$20M Public Liability, Volunteer Workers Insurance and/or Workcover policy for the period of the works;
 - (c) All works must be carried out by suitably qualified and experienced contractors. The contractor must provide to the Association, copies of appropriate licences, Work Safe Method Statement or Risk Assessment to undertake the works;
 - (d) SBCare is responsible for the disposal of all rubbish and waste materials from the site and any associated commercial/industrial tipping fees; and
 - (e) SBCare acknowledges that it will be responsible for all ongoing repairs and maintenance of the asset.

In Favour: Crs Gavin Jones, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Cr Jane Erkens

CARRIED 5/1

20.2 FUTURE USE OF ADERMANN PARK - LOT 488 ON CROWN PLAN FY2753

RESOLUTION 2023/141

Moved: Cr Scott Henschen

Seconded: Cr Kathy Duff

That South Burnett Regional Council:

1. To undertake community consultation to seek views on the future use of Lot 488 on FY2753 from Reserve for Park and Recreation to Road Reserve.
2. That the outcomes from the community consultation be provided to a future Council meeting.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.3 ASSESSMENT 30204-00000-000 - PAYMENT PLAN

RESOLUTION 2023/142

Moved: Cr Danita Potter

Seconded: Cr Jane Erkens

That South Burnett Regional Council delegate authority to the Chief Executive Officer to negotiate a suitable payment arrangement with the owner of assessment 30204-00000-000.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.4 REQUEST TO REMOVE ASSESSMENT 22367-00000-000 FROM SALE OF LAND LIST

RESOLUTION 2023/143

Moved: Cr Danita Potter

Seconded: Cr Scott Henschen

That South Burnett Regional Council:

1. Approve the payment plan of \$340 per fortnight on assessment 22367-00000-000 and agree to remove the property from the current sale of land list.
2. No interest will be charged while the payment arrangement is being upheld.
3. Should the owner default on the agreed payment plan, the payment arrangement will be cancelled as per the debt collection policy.
4. If the payment arrangement is cancelled due to default, normal debt collection procedures will continue and may result in the property being included in the 2024 sale of land list.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.5 CONSIDERATION FOR REMISSION ON RATES - ASSESSMENT 20111-00000-000 & 23970-00000-000

RESOLUTION 2023/144

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council

1. Does not accede to the request for a rate remission for rate assessment 20111-00000-000 effective from 1 July 2023 as it is not fully compliant with Council's policy.
2. Does accede to the request for a rate remission for rate assessment 23970-00000-000 effective from 1 July 2023

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.6 CONSIDERATION FOR REMISSION ON RATES - ASSESSMENT 14513-00000-000

RESOLUTION 2023/145

Moved: Cr Danita Potter

Seconded: Cr Kathy Duff

That South Burnett Regional Council does not accede to the request for a rate remission for the property located at L178 RP174261, L179-180 FY93 as it does not fully comply with Revenue Policy 2023/2024 – Statutory005.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.7 REQUEST FOR WAIVER OF RATES - KUMBIA TENNIS ASSOCIATION – ASSESSMENT 12881-00000-000

RESOLUTION 2023/146

Moved: Cr Scott Henschen

Seconded: Cr Kathy Duff

That South Burnett Regional Council waive rates charges and interest to the value of \$1,306.15 for the period of 1 July 2022 to 31 December 2023 on Assessment 12881-00000-000.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

20.8 SBRCQ 2223_135 PURCHASE OF PPE FIELD UNIFORMS

RESOLUTION 2023/147

Moved: Cr Kathy Duff

Seconded: Cr Kirstie Schumacher

That Council approves the recommendation to establish a 12-month supply arrangement for Hi-Visibility Field Uniforms with CA Design and Print.

In Favour: Crs Gavin Jones, Jane Erkens, Danita Potter, Kirstie Schumacher, Kathy Duff and Scott Henschen

Against: Nil

CARRIED 6/0

21 CLOSURE OF MEETING

The Meeting closed at 12:59pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 November 2023.

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CHAIRPERSON